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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/769,827 | 01/24/2001 | Norbert Miller | SWR-0038 | 5172 |
| 30008 7590 05/11/2010 GUDRUN E. HUCKETT DRAUDT SCHUBERTSTR. 15A WUPPERTAL, 42289 GERMANY | | | EXAMINER | |
| | | | RUHL, DENNIS WILLIAM | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3689 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/769,827 | Applicant(s) MILLER, NORBERT |
| | Examiner Dennis Ruhl | Art Unit 3689 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

1) Responsive to communication(s) filed on 24 September 2009.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No.(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

Applicant's response of 9/24/09 has been entered. The examiner will address applicant's remarks at the end of this office action.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,5,6,8-12, are rejected under 35 U.S.C. 102(b) as being anticipated by Klein et al. (5726885).

For claims 1,6,9, Klein discloses a method and system that processes availability, reservation, billing transactions, and allocation of a good to a customer. It is disclosed that a customer uses a communication link 2 to select an offer from a provider. The communication link 2 satisfies the claims "supraregional communication link", which is a broad term that is satisfied by any type of communication link. The communication link 2 of Klein allows for data to be transmitted over large distances, such as between a terminal HA and a central host computer D. The offer from the provider is interpreted to be the user selecting or specifying a vehicle that they would like to use or rent. The user uses either a remote terminal, or a local terminal (HA) to communicate with the central host computer D. The claimed step of assigning an authorization code to the offer that is stored in a memory unit is satisfied by the fact that the user uses a "coded chip card" that is encoded with a code that allows the user to gain access to a vehicle that they have reserved, see column 4, lines 46-end. The code

on the chip card is an authorization code that is used to allow access to the reserved vehicle by the user. The memory unit is the chip card itself that stores the code. The providing of a reservation by storing the code is disclosed by Klein. When a user specifies that they want to rent a vehicle, the code is associated with that user and with the reservation (date, time, etc.). The authorization verification system is the central host computer D, which is disclosed as conducting an authorization of the user. The claimed step of providing contactless code verification is satisfied by the disclosure of the user using the chip card to gain access to the vehicle. Klein specifically discloses "a contactless vehicle-specific coded chip card". When the user approaches the vehicle and uses the contactless chip card with a card reader provided on the vehicle, the code is verified and access is granted upon code verification. The claimed proximity area is the area near the card reader where the contactless reading of the card occurs.

For claim 5, the limited validity related to the code is found in Klein. When a user reserves a vehicle for a particular day, the code that is associated with that reservation for that given day for that user is not able to be used by that user on another day. The examiner views this claim as merely reciting that the code is only good for when the user has actually reserved the vehicle. This flows from the fact that a reservation can be made by the user and the code is associated with that user for only the day of their reservation.

For claim 8, upon verification of a user's identify at the terminal HA (a certain activation), the code is delivered to the user by the issuance of the coded contactless chip card. This satisfies what is claimed.

For claim 10, the claimed providing of interfaces is considered to be satisfied by the fact that a user can use a remote computer to conduct the acts of making a reservation, inquiring as to available vehicles, etc.. All that appears to be claimed in claim 10 is the providing of "interfaces for remote data transmission".

For claim 11, see column 8, lines 27-31 where the use of the method for a public transportation system is specifically disclosed.

For claim 12, Klein discloses the automatic billing after a user uses the coded chip card to use a vehicle. See column 5, lines 23-44 as an example. Klein discloses automated accounting transactions in the form of billing after the use of a vehicle.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4,7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (5726885).

For claims 2,3,4, not specifically disclosed is that the communication links are a mobile radio telephone network system or a local area radio network. Klein does disclose the use of a mobile communication radio link between the vehicle and the central computer D, see column 6, lines 13-23. Klein discloses the use of communication links for the supraregional communication link and the local area communication link (contactless). Claiming that the communication link is a mobile

radio telephone link is just seen as using a different type of communication link that is known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a mobile radio telephone network system (local area radio network) in Klein because this is just using another type of communication link to allow for data communication to occur. One of ordinary skill in the art would readily appreciate that any type of communication link can be used to communicate data, all that matters is that some form of communication link is used. This would have been obvious to one of ordinary skill in the art.

For claim 7, not disclosed is that the contactless code verification is conducted by using "an optical way". The examiner interprets this claim to be reciting optical verification like a bar code would provide. It would have been obvious to one of ordinary skill in the art that other forms of contactless cards can be used, such as the very well known concept of having a bar code on a card. The use of bar codes is notoriously old and well known in the art, something that the examiner takes official notice of. Bar codes are used on many types of cards to optically convey information to an optical reader. This is just using another type of contactless card in place of the chip card of Klein.

5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Ruhl/
Primary Examiner, Art Unit 3689